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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/748,760

12/21/2000

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26541

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10/08/2008

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EXAMINER

LEE, JOHN J

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

10/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/748,760	Applicant(s) RAISSINIA ET AL.	
	Examiner JOHN J. LEE	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-12,21-24,27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) 1-8,13-20,25 and 26 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11,12,23,24 and 28 is/are allowed.
- 6) ☒ Claim(s) 9,10,21,22 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments with respect to claims 9-12, 21-24, 27, and 28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 9, 10, 21, 22, and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bednekoff et al. (US 6,603,810) in view of Mitsume et al. (6,556,559).

Regarding **claims 9, 21, and 27**, Bednekoff teaches that in a TDMA system (conventional GSM system), a method for calibrating a gain of receiver (column 2, lines 10 – column 3, lines 25 and Fig. 2). Bednekoff teaches that a calibration control unit (252) that monitors at the MAC layer control operation to periodically determine and measure an anticipated upstream period (column 9, lines 16 – 64, Fig. 5, where teaches the calibration controller of wireless receiver controls processing for determining and measuring an anticipated upstream period state for period of time). Bednekoff also teaches that determining receiver gain based on said measured signal strength and a known noise level (column 9, lines 16 – 64, Fig. 5, where teaches receiver determines and adjusting the receiver gain based on measured received signal strength indicate value with known output level).

Bednekoff does not specifically disclose the limitation “determining quiet period and during said quiet period, measuring signal strength at a measurement point within said receiver”. However, Mitsume teaches the limitation “during said quiet period (as the quiet period are determined (idle slot time period) for a predetermined period, measuring RSSI value in that period), measuring signal strength at a measurement point within said receiver” (column 7, lines 44 – column 8, lines 50 and Fig. 1, 2, where teaches determining an idle time period and during the idle time period, a radio mobile station measures its received signal strength intensity value of the ambient cell). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Bednekoff’s system as taught by Mitsume. Doing so would enhance the signal adaptability and reliability by measuring signal strength during the idle time period in radio mobile receiver.

Regarding **claims 10 and 22**, Bednekoff teaches that adjusting receiver gain to a desired level (column 8, lines 60 – column 9, lines 64 and Fig. 4, 5).

Allowable Subject Matter

4. Claims 11, 12, 23, 24, and 28 are allowed.

Claims 11, 12, 23, 24, and 28 are allowable over the prior art of record because a search does not detect the combined claimed elements as set forth in the claims 11, 12, 23, 24, and 28.

As recited in independent claims 11, 23, and 28, none of the prior art of record teaches or fairly suggests that in TDMA system, calibrating a gain of a head end receiver

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comprises upon an indication of excellent reception quality, disconnecting a selected one of at least two antennas, while said selected one antenna is disconnected, measuring signal strength at a monitoring point in receive chain coupled to said selected one antenna, and determining receiver gain based on said measured signal strength and a known noise level, and together with combination of other element as set forth in the claims 11, 12, 23, 24, and 28. Therefore, claims 11, 12, 23, 24, and 28 are allowable over the prior art of records.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Johnson (US 4,031,469) discloses Receiver Gain Calibration.

Gutman et al. (US 5,691,729) discloses Aperture-to-Receiver Gain Equalization in Multi-Beam Receiving Systems.

Information regarding...Patent Application Information Retrieval (PAIR) system... at 866-217-9197 (toll-free)."

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
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or faxed to:

(703) 308-9051, (for formal communications intended for entry)

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Or:

(703) 308-6606 (for informal or draft communications, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to **John J. Lee** whose telephone number is **(571) 272-7880**.
He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00
pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay
Aung Maung**, can be reached on **(571) 272-7882**. Any inquiry of a general nature or
relating to the status of this application should be directed to the Group receptionist
whose telephone number is (703) 305-4700.

J.L
September 30, 2008

John J Lee

/JOHN J LEE/
Primary Examiner, Art Unit 2618

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